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FISCAL IMPACT REPORT

SPONSOR Hochman-Vigil **LAST UPDATED** _____
ORIGINAL DATE 1/31/2024
SHORT TITLE Electric Vehicle Charging Station **BILL**
Zoning Act **NUMBER** House Bill 88
ANALYST Fischer

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT*

(dollars in thousands)

Agency/Program	FY25	FY26	FY27	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
	No fiscal impact	No fiscal impact	No fiscal impact			

Parentheses () indicate expenditure decreases.

*Amounts reflect most recent analysis of this legislation.

Relates to Senate Bill 48

Sources of Information

LFC Files

Agency Analysis Received From

Department of Finance and Administration (DFA)

Regulation and Licensing Department (RLD)

Energy, Minerals and Natural Resources Department (EMNRD)

New Mexico Municipal League

SUMMARY

Synopsis of House Bill 88

House Bill 88 (HB88) would establish statewide zoning standards for local governments in permitting installation of electric vehicle (EV) charging stations. The bill generally limits local government discretion over zoning restrictions and expedites the permit review process. The bill also requires that applications for electric vehicle charging station permits be denied in writing within 30 business days after submission; otherwise, the application is deemed approved. Finally, the bill defines how EV charging station spaces should count toward minimum parking requirements. The effective date of this bill is July 1, 2025.

FISCAL IMPLICATIONS

HB88 contains no direct appropriations, and the Department of Finance and Administration (DFA) and New Mexico Municipal League both note it would trigger only minimal administrative costs for zoning authorities in implementation.

DFA notes, if enacted, HB88 could result in more local projects that are eligible for federal clean energy rebates. Direct Pay, also called Elective Pay, established under the federal Inflation

Reduction Act (IRA), enables non-taxpaying entities, such as state and local governments, to access federal clean energy incentives for EV charging infrastructure, so long as the local entity owns the asset and files properly and timely for the rebate.

SIGNIFICANT ISSUES

HB88 requires county and municipal zoning departments to approve applications for electric vehicle charging station permits within 30 days with only an administrative review, thereby eliminating the current requirements for public hearing and use variance. The Energy, Minerals and Natural Resources Department (EMNRD) reports the permitting process for EV chargers can take several months for approval and local permitting processes have been identified as a key obstacle to the rapid installation of EV chargers. However, the New Mexico Municipal League cautions the bill infringes on local permitting decisions. The league recommends such permitting decisions remain at the local level, given the differences in infrastructure needs and approaches across the state.

ADMINISTRATIVE IMPLICATIONS

The Regulation and Licensing Department clarifies that the requirements of HB88 only apply to county and municipal governments and would not directly affect its operations.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

HB88 is related to Senate Bill 48, which creates a community benefit fund to, in part, fund electric vehicle infrastructure.

TECHNICAL ISSUES

EMNRD notes the definitions in HB88 do not currently align with existing statutory definitions in Sections 7-2A-19.1 NMSA 1978, the clean car corporate income tax credit; 7-2-18.36 NMSA 1978, the clean car income tax credit; 7-2A-19.2 NMSA 1978, the clean car charging unit corporate income tax credit; and 7-2-18.37 NMSA 1978, the clean car charging unit income tax credit.

MF/rl/hg/sgs